



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SMS
Docket No: 1807-09
8 May 2009

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 May 2009. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

On 18 August 1980, you enlisted in the Navy at age 18 and served without incident until 11 January 1983, when you failed to return from liberty and were in an unauthorized absence (UA) status for about two hours. On 31 January 1983, you failed to return from liberty again and were in a UA status for three hours. On 30 April 1983, you began a UA that ended on 2 May 1983, a period of about two days. On 31 May 1983, you began a UA that ended on 2 August 1983, a period of about 63 days. On 19 August 1983, you were convicted by a summary court-martial for the 63 day period of UA and missing the movement of your ship. On 13 October 1983, you had nonjudicial punishment for a day of UA that occurred during the period 18 to 19 September 1983. On 13 October 1983, you received a derogatory performance evaluation. On 2 August 1984, you missed the sailing of your ship from Subic Bay to Hong Kong. On 5 October 1984, a service record entry was made which stated that your commanding officer did not recommend you for

reenlistment. On 19 October 1984, you received another derogatory performance evaluation and you were honorably released from active duty due to the expiration of enlistment and assigned an RE-4 reenlistment code. On 20 October 1986, you were honorably discharged due to the expiration of obligated service.

Regulations direct assignment of an RE-4 reenlistment code to members who are not recommended for retention. Given your repetitive misconduct, non-recommendation for retention, and derogatory performance evaluations, and since you have been treated no differently than others in your situation, the Board could not find an error or injustice in the assignment of the RE-4 reenlistment code. The Board noted that you were fortunate to have received an honorable characterization of service since your misconduct met the requirements for an involuntary administrative separation with an other than honorable characterization of service. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,


W. DEAN PFEIFFER
Executive Director

Copy to:
The Honorable Charles E. Grassley